

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

THE HERSHEY COMPANY and HERSHEY
CHOCOLATE & CONFECTIONERY
CORPORATION,

Plaintiffs,

v.

SWITZER CANDY COMPANY

Defendant.

1:CV 06-0143

**STIPULATION OF
DISMISSAL
WITH PREJUDICE**

The parties, by their undersigned counsel, hereby stipulate to the dismissal of this action, including plaintiffs' claims and defendant's counterclaim, in all instances with prejudice, with each party to bear its own costs and attorneys' fees.

/s/ Harvey Freedenberg
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Attorneys for Defendant

Dated: October 3, 2006

SO ORDERED:

UNITED STATES DISTRICT COURT JUDGE

Dated: _____, 2006
Harrisburg, Pennsylvania